

Taking the Fight to the Courts

Aggressive Litigation Gets Fast Results



Heading to slaughter. ©ANDY HIBBERT; ECOSCENE/CORBIS

For decades, millions of farm animals have been transported by truck over long distances for days, often in harrowing conditions. Many suffered and died because the U.S. Department of Agriculture (USDA) excluded trucks from an 1873 law—the nation’s first federal animal welfare legislation—that mandates offloading animals for food and rest every 28 hours. More than a century ago, interstate shipping of farm animals was feasible only by rail. Today, a mere five percent travel by train, rendering this vital humane statute meaningless.

In 2006, thanks to a legal petition filed by the trailblazing HSUS Animal Protection Litigation team, the USDA reversed this short-sighted policy. It was a significant victory for millions of animals in the ongoing battle to reform industrial meat production, the nation’s single greatest source of institutional animal abuse.

Two years ago, The HSUS had no organized offensive litigation program. With the resources saved by the combination of The HSUS and The Fund for Animals in 2005, we launched a far more ambitious legal agenda. Today, our 12-attorney team is augmented by dozens of law students and more than a hundred pro-bono attorneys. It is the country’s largest animal protection litigation initiative.

In two short years, we have built a litigation SWAT team that has filed more than 25 new cases. While legal campaigns can take years to wind their way through the courts, the program racked up a dozen victories in 2006.

In addition to long-distance farm animal transport, the litigation team achieved court decisions that halted lethal research on Steller sea lions; blocked the opening of national wildlife refuges to sport hunting; closed



Tending a wounded pigeon shoot victim. ©BRONIA GALUZZO

two major cockfighting pits in Louisiana; enforced a ban on canned hunting in Oregon; halted a massive Pennsylvania pigeon shoot; and prevented the killing of wolves in several states. Our campaign against horse slaughter was strengthened enormously by federal court rulings that all but assured the demise of the industry in 2007.

The HSUS also won key court judgments allowing some of our most groundbreaking lawsuits to proceed to trial. Our suit challenging the USDA’s refusal to protect some nine billion chickens and turkeys killed for food each year under the federal Humane Methods of Slaughter Act was given the green light to move toward a final decision in 2007. And we won a similar decision in our suit challenging the killing of endangered species in canned hunts.

Today, our growing litigation team gives us a powerful new weapon in the fight for a more humane world.



“Those who profit from animal cruelty have large teams of specialized lawyers representing their interests in the courts, and they have been doing so virtually unopposed for years. But the free ride is over.”

—Jonathan Lowvorn, Vice President, Animal Protection Litigation



Longtime activist Doris Day has devoted much of her life to key humane initiatives from animal testing to new anticruelty and protection laws.

The HSUS Family

In 2006, the Doris Day Animal League (DDAL)—founded in 1987 by the recording, film, and television star—became The HSUS family's newest member. In the past, we have worked closely with DDAL on numerous issues including greyhound racing cruelty, the testing of household products and cosmetics on animals, and relief for the animal victims of Hurricane Katrina.

The year also saw the full engagement of the Humane Society Legislative Fund, a 501(c)(4) lobbying organization working on Capitol Hill and nationwide to secure legislation, support humane candidates for office, and educate the public on animal protection issues. Last November, in its first foray into election work, 86 percent of HSLF-endorsed candidates for the U.S. Senate, and 91 percent of those seeking House seats, won their races. HSLF also produced a *Humane Scorecard* ranking members of the 109th Congress on how they voted on major animal legislation (www.humanescorecard.org).

Over the decades The HSUS family has grown to include Humane Society International, with offices around the globe, and the Wildlife Land Trust, which works to preserve wildlife habitat at home and abroad. The Fund for Animals, the world-famous advocacy organization founded by Cleveland Amory, joined us in 2005 and operates direct care facilities for animals from coast to coast.

Combining forces with other humane groups enables us to bring more expertise to issues affecting animal welfare, use dollars and resources more wisely, foster greater cooperation within the animal movement, build greater depth of program activity in areas of overlapping concern, and increase our effectiveness.

New Legal Protections for Animals

From Capitol Hill to statehouses nationwide, The HSUS's lawyers and lobbyists helped to write and pass new laws to benefit animals and to defeat measures that would harm them. Fortunately, humane issues continued to enjoy bipartisan support, and we saw progress on many of our key legislative goals.

The HSUS led the fight to achieve passage of the federal Pets Evacuation and Transportation Standards (PETS) Act and the successful closing of a trophy hunting tax loophole. Several other measures were either adopted or moved forward in the U.S. House or Senate, but failed to be approved when time ran out or they ran afoul of legislative roadblocks. Issues included animal fighting, bison protection, canned hunting, factory farms, horse slaughter, primates as pets, and puppy mills.

In state legislatures, we helped to pass 68 positive measures and defeated 11 that would have had negative effects on animals. The laws covered animal fighting, cruelty, dangerous dogs, disaster planning, exotic pets, hunting and trapping, spay/neuter programs, wildlife protection, and other issues. Two highly successful HSUS-led ballot initiatives banned dove hunting in Michigan and sow gestation crates and veal calf crates in Arizona.

Progress in the Testing Lab

A formal HSUS proposal to the federal Interagency Coordinating Committee on the Validation of Alternative Methods, backed by thousands of letters from our members and constituents, has

set into motion a process to end the use of the notorious Lethal Dose 50 Percent (LD50) test used for each new batch of Botox® Cosmetic produced by California-based Allergan, Inc.

The first step in ending the tests was an international workshop of U.S. and European governments at which scientists, officials, and other experts examined alternative, nonlethal methods for testing the cosmetic, which has sales of more than \$980 million a year.

Botulinum, the active ingredient, is a paralyzing nerve toxin that also causes food poisoning. Injected under human skin, it temporarily smoothes out wrinkles. Injected into mice, it causes differing levels of muscular paralysis. Those given a high enough dose slowly suffocate to death, undoubtedly after considerable suffering. Its potency is measured by determining how much Botox is needed to kill half of the animals.

The LD50 test is now widely considered inhumane, outdated, and unreliable. Leading toxicologists criticize the test's scientific value because of the substantial variability in results. Many companies producing consumer products have long since abandoned it in favor of alternative tests. European authorities have identified several that—once validated—might be substituted in Botox testing.

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